

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

FREIGHTCAR AMERICA, INC., a)
Delaware corporation,)

Plaintiff,)

v.)

DAVIS-FROST, INC., a Minnesota)
corporation,)

Defendant.)

Case No. 1:20-CV-07202

**DEFENDANT DAVIS-FROST, INC.’S MOTION TO DISMISS
THE COMPLAINT FILED BY PLAINTIFF FREIGHTCAR AMERICA, INC.**

Defendant Davis-Frost, Inc. (“Davis-Frost”) moves to dismiss FreightCar America, Inc.’s (“FCA”) Complaint pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure. Davis-Frost does not have connections with the state of Illinois sufficient to permit this Court to exercise personal jurisdiction over it. In the alternative, Davis-Frost asks the Court to transfer this lawsuit to the Western District of Virginia pursuant to the forum-selection clause in the written warranty. Accordingly, Davis-Frost requests that the Court dismiss FCA’s Complaint with prejudice, or alternatively, transfer to the Western District of Virginia.

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